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10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-485*

13 **DIANA JO BJORNEBERG**  
14 **14961 Zuni Street NW**  
15 **Ramsey, MN 55303**

**A C C U S A T I O N**

16 **Registered Nurse License No. 761975**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about October 23, 2009, the Board of Registered Nursing issued Registered  
24 Nurse License Number 761975 to Diana Jo Bjorneberg (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on September 30, 2013, unless renewed.

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1       “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
2       prescription,’ ‘Rx only’ or words of similar import.

3       “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale  
4       by or on the order of a \_\_\_\_\_,’ ‘Rx only,’ or words of similar import . . .

5       “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
6       prescription or furnished pursuant to Section 4006.”

7       9.    **Marijuana** is a Schedule I controlled substance as designated by Health and Safety  
8       Code section 11054, and a dangerous drug pursuant to Business and Professions Code section  
9       4022.

10       10.   **Dilaudid** is a Schedule II controlled substance as designated by Health and Safety  
11       Code section 11055, and a dangerous drug pursuant to Business and Professions Code section  
12       4022.

13       11.   **Vicodin**, a compound of Acetaminophen and Hydrocodone, is a narcotic analgesic  
14       agent for the treatment of moderate to moderately severe pain. It is a Schedule III controlled  
15       substance pursuant to Health and Safety Code section 11056, and a dangerous drug within the  
16       meaning of Business and Professions Code section 4022.

17       12.   **Percocet**, a combination of Oxycodone and Paracetamol, is a narcotic pain reliever  
18       used to treat moderate to severe pain. It is a Schedule II controlled substance as designated by  
19       Health and Safety Code section 11055, and a dangerous drug pursuant to Business and  
20       Professions Code section 4022.

#### 21                                   COST RECOVERY

22       13.   Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
23       administrative law judge to direct a licentiate found to have committed a violation or violations of  
24       the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
25       enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
26       renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
27       included in a stipulated settlement.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Out of State Discipline)

3 (Bus. & Prof. Section 2761, subd. (a)(4))

4 14. Respondent is subject to disciplinary action under Code section 2761, subdivision  
5 (a)(4), in that on or about June 3, 2010, before the Minnesota Board of Nursing, *In the matter of*  
6 *Diana J. Bjorneberg, R.N. License No. 160497-1*, the Minnesota Board of Nursing (Minnesota  
7 Board) based upon Stipulation, issued an Order assessing a civil penalty and suspending  
8 Respondent's license to practice nursing in the State of Minnesota. The Minnesota Board stayed  
9 the suspension of Respondent's license upon compliance with requirements outlined in the  
10 Stipulation and placed Respondent's license on a limited status subject to the terms of the  
11 Stipulation. The circumstances are as follows:

12 15. On or about June 5, 2009, Respondent was involuntarily terminated from her  
13 employment as a Registered Nurse at a hospital in Coon Rapids, Minnesota ("Hospital"), after the  
14 hospital found 75 unusual transactions on the Hospital's medication dispensing machine that  
15 involved Respondent, including 41 instances of withdrawing Dilaudid for patients with no order  
16 for the narcotic medication, withdrawing narcotics for patients not assigned to her care, time  
17 discrepancies in her charting, withdrawing narcotics before her shift began, and repeated failure  
18 to document pain assessments.

19 16. On or about April 27, 2009, Respondent was admitted to an outpatient chemical  
20 dependency treatment program diagnosed with cannabis dependence in remission and opioid  
21 abuse, continuous<sup>1</sup>. On or about April 29, 2009, Respondent relapsed on alcohol. Respondent  
22 acknowledged that she diverted Dilaudid from the hospital in February 2009, using the drug while  
23 at work and at home.

24 17. On or about June 4, 2009, Respondent completed chemical dependency treatment,  
25 and completed aftercare on July 16, 2009. Respondent's sobriety date from controlled substances  
26 is April 13, 2009. Her sobriety date from alcohol is April 29, 2009. Respondent self reported to a

27 <sup>1</sup> A psychiatric evaluation dated May 28, 2009, indicated Respondent reported having  
28 been previously prescribed Percocet and Vicodin and becoming dependent on them.

1 Health Professionals Services Program (HPSP) in May 11, 2009, and has been compliant with the  
2 HPSP participation agreement. Respondent works as a registered nurse doing telephone work  
3 without access to drugs.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and, that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 761975, issued to Diana  
8 Jo Bjorneberg;

9 2. Ordering Diana Jo Bjorneberg to pay the Board of Registered Nursing the reasonable  
10 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
11 Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: December 13, 2012

14 *Louise R. Bailey*  
15 LOUISE R. BAILEY, M.ED., RN  
16 Executive Officer  
17 Board of Registered Nursing  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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